

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

YUPANQUI PACHACUTEC,

Plaintiff,

V.

**MONROE COUNTY
SHERIFF'S OFFICE, *et al.*,**

Defendants.

NO. 5:24-cv-00272-MTT-CHW

ORDER OF DISMISSAL

Plaintiff Yupanqui Pachacutec, a detainee in the Monroe County Jail in Forsyth, Georgia, filed a handwritten document, which was docketed in this Court as a 42 U.S.C. § 1983 civil rights complaint. Compl., ECF No. 1. Plaintiff also filed a supplement, which appeared to be a copy of the original complaint with additions. See Suppl., ECF No. 4. Thereafter, Plaintiff was ordered to complete either a 28 U.S.C. § 2241 habeas corpus petition or a 42 U.S.C. § 1983 complaint and to either pay the appropriate filing fee or move for leave to proceed *in forma pauperis*. Order, ECF No. 6. Plaintiff was given fourteen days to complete these actions and was cautioned that his failure to do so could result in the dismissal of this case. *Id.*

More than fourteen days passed following entry of that order, during which Plaintiff did not file a recast petition or complaint, pay the filing fee, move for leave to proceed *in forma pauperis*, or otherwise respond to the order. As a result, Plaintiff was ordered to show cause to the Court why this case should not be dismissed based on his failure to

comply with the Court's orders. Order to Show Cause, ECF No. 7. Plaintiff was given fourteen days to respond and was cautioned that his failure to do so would likely result in the dismissal of this case. *Id.*

More than fourteen days have now passed since the show cause order was entered, and Plaintiff has not responded to that order. Therefore, because Plaintiff has failed to respond to the Court's orders and has otherwise failed to prosecute this case, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 25th day of November, 2024.

S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT